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8/30/10



**Re: Jorgensen Forge - Second Draft EE/CA**

Christy Brown to: Amy Essig Desai  
Cc: "dtempleton@anchorenv.com", Ryan Barth  
Bcc: Erika Hoffman, "Wakeman, John S NWS"

08/30/2010 12:09 PM

Hi, Amy.

I think I can answer your immediate questions without waiting to schedule a meeting. As you note below, I have provided you with the Corps' recent guidance regarding depth and width of an appropriate buffer, and indicated that Jorgensen can propose an alternative design. If you choose to propose an alternative, the justification should be based on site-specific considerations.

We believe a technical justification should be straightforward, as it is an engineering decision associated with slope stability. If the basis for proposing an alternative depth is primarily volume/cost, EPA asks that the EE/CA make two arguments: 1) why it would be inordinately costly to construct to -19 throughout the 10' buffer, and 2) why an alternative proposal meets the intent of this requirement, which is to protect the remedy in the event of an errant bite by a maintenance dredger. The EE/CA should make the case that whatever you are proposing is sufficiently protective in the long-term, given that the LDW is regularly maintained channel.

If you have further questions, please give me a call.

Thanks - christy

Amy Essig Desai

Hi Christy, I had a chance to catch up on the co...

08/24/2010 08:33:42 AM

From: Amy Essig Desai <aedesai@farallonconsulting.com>  
To: Christy Brown/R10/USEPA/US@EPA  
Cc: Ryan Barth <rbarth@anchorena.com>, "dtempleton@anchorenv.com"  
<dtempleton@anchorenv.com>  
Date: 08/24/2010 08:33 AM  
Subject: Jorgensen Forge - Second Draft EE/CA

Hi Christy,

I had a chance to catch up on the communications between you, the Corps, and Anchor QEA over the last few months regarding what final elevation requirement is necessary within the 10-foot buffer zone directly adjacent to the navigational channel to address the Corps potential future navigation dredging needs. Your email to Ryan Barth dated August 11, 2010 indicates that if we provide technical justification in the Second Draft EE/CA how the -17 MLLW final top of cap elevation meets the Corps objectives identified in their August 4 letter to EPA given the site-specific conditions in our Removal Action Boundary, then this alternative top of cap elevation (versus the -19 ft MLLW top of cap elevation requested in August 4 letter) may be acceptable and approved for use in the Second Draft EE/CA by EPA.

We have had discussions with EMJ and Jorgensen Forge about the Corps requested -19 ft MLLW top of cap elevation and believe that we understand the Corps concerns driving this elevation, that a technical justification is necessary to demonstrate that a depth less than this elevation would be protective of the Corps objectives, as well as the significant impact on the design elements (e.g., volumes, slope cuts,

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costs) if this elevation is used in the Second Draft EE/CA. EMJ and Jorgensen are concerned that proceeding with development of the Second Draft EE/CA containing alternatives with an alternative (i.e., -17 ft MLLW) top of cap elevation without first discussing our understanding and obtaining feedback from EPA may lead to another round of potentially unnecessary comments/responses on the Second Draft EE/CA and further delay our long-term schedule.

I understand that you are out of the office until August 30. Upon your return we would like to meet with you to further discuss this important issue and obtain EPA's feedback on the technical arguments/content EPA would need to approve a proposed -17 ft MLLW top of cap elevation within the 10-foot off-set zone in our Removal Action Boundary. I was thinking that this could be a relatively informal meeting over coffee. Given the significant impacts this issue has on the Second Draft EE/CA design elements, EPA's feedback is necessary to support finalization of our Second Draft EE/CA so our discussion will also entail a request for extension of the Second Draft EE/CA beyond the current September 20, 2010 date. Please let us know what dates/times work best in your schedule when you return to the office.

Hope you are having a good summer!

Thanks.

-Amy